



# Puget Sound Clean Air Agency

110 Union Street, Suite 500  
Seattle, WA 98101-2038  
phone 206-343-8800/1-800-552-3565  
fax 206-343-7522 www.pscleanair.org

Rec  
11/2/01  
CP

## Asbestos Notice of Violation

No. 4-040305

Violation Date: 10/18/2001

Time: 15:45

7000 0520 0021 4791 9434  
Certified Mail No.:

Case/Registration No.

Name

Responsible Person, Title

Case No. 200100084

Ash Grove Cement Co.

Gerald Brown, EH & S Manager

Reg. No. 11339

Location of Violation (Address)

City

Zip

County

3801 E. Marginal Way So.

Seattle

98134

King

Mailing Address

City, State

Phone

As Above

Seattle, WA

98134

206 623-5596

### Violation of Regulation III, Article IV Sections:

- ☒ 4.02(a) Unlawful to cause or allow a renovation unless the property owner or owner's agent determines whether there are suspect asbestos-containing materials in the work area and obtains an asbestos survey of any suspect asbestos-containing materials by an AHERA building inspector
- ☒ 4.03(a) Failure to submit a complete notification including the required fee to the Agency prior to conducting an asbestos renovation project
- ☒ 4.04(a) Failure to remove all ACM before any renovation or demolition project that may disturb the ACM.
- ☒ 4.05(a) Failure to conduct project using persons trained and certified in accordance with the standards established by the Washington Department of Labor and Industries, the federal Occupational Safety and Health Administration, or the US EPA (whichever agency has jurisdiction) and whose certification is current
- ☒ 4.05(b)(1) Failure to conduct an asbestos project in a controlled area clearly marked by barriers and asbestos warning signs.
- ☒ 4.05(b)(4) Failure to continuously coat nonabsorbent, friable asbestos-containing material with a liquid wetting agent on any exposed surface prior to and during removal
- ☒ 4.05(b)(7) Failure to seal friable, asbestos containing waste material in leak-tight containers as soon as possible after removal but no later than the end of each work shift.
- ☒ 4.05(b)(9) Failure to permanently label the exterior of each leak-tight container with an asbestos warning sign as specified by the Washington State Dept. of Labor and Industries
- ☒ 4.05(b)(10) Failure to permanently mark the date that the asbestos containing material was collected for disposal, the name of the waste generator, and the address at which the waste was generated immediately after sealing each leak-tight container

**Facts Alleged to Constitute a Violation: Causing or allowing the removal of 100 to 200 square feet of asbestos transite siding from the clinker storage building. Failure to conduct an AHERA asbestos survey prior to conducting the renovation. Failure to submit a complete Notice of the Intent with the appropriate fee to the Agency prior to conducting the project. Failure to remove, handle, and dispose of asbestos containing materials in accordance with Regulation III Article IV.**

Issued by:

Date/Time:

11.1.01

Received by

signature

print name

Signing this document is not an admission of guilt

Form No.

AGCS2M000941

## What you need to know about your Notice of Violation (NOV)\*

**Do not ignore this document!** Your violation(s) may result in a civil penalty. If your violation(s) are significant, a civil suit may be brought against you and your business. If your violation(s) continue, each day is considered a separate and distinct violation and is subject to increased civil penalties.

**You must respond, promptly! Correct the problem as soon as possible. Within ten (10) days of the date you received this NOV, write a letter to the Agency Inspector who issued the NOV telling us:**

- Your name as the representative of the business;
- Name and address of the business;
- Mailing address (if different than written on the NOV);
- NOV number (upper right-hand corner of NOV);
- What you have corrected or a schedule for making corrections; and
- What you will do to prevent future violations.

**In addition, you may request the Inspector, in writing, to schedule a conference with Agency staff, within 30 days of the date you received this NOV, to:**

- Discuss any extenuating circumstances or questions you may have;
- Review your corrective actions; or
- Present information that may not have been considered when the NOV was issued.

**You may appeal the Corrective Action Order** within thirty (30) days of the date you received this NOV. If you appeal, you must file a written appeal with the Pollution Control Hearings Board (PCHB) at the address below and send the Agency a copy of the appeal. An appeal must contain the following information:

- Your name and address (mailing and legal, if different) and the name and address of your representative, if applicable;
- Your daytime telephone number;
- A copy of the Order or decision you are appealing and if the Order or decision followed an application, a copy of the application;
- The reasons you are appealing;
- What you want the PCHB to do, and
- A statement signed by you or your representative, attesting that the content of the appeal is true.

**The Agency's Address is:**  
Puget Sound Clean Air Agency  
110 Union Street, Suite 500  
Seattle, Washington 98101-2038  
[www.pscleanair.org](http://www.pscleanair.org)

**PCHB's Address is:**  
Pollution Control Hearings Board  
Environmental Hearings Office  
PO Box 40903  
Lacey, Washington 98504-0903  
Telephone: (360) 459-6327  
[www.eho.wa.gov](http://www.eho.wa.gov)

**If you need technical assistance, or to request an extension of time, please contact the Inspector.**

**You may receive a copy of the Inspection Report** by calling our office at 206-689-4011.

**Complete information about appeal requirements** is contained in state law (Chapter 43.21B RCW and Chapter 70.94 RCW) and in the Pollution Control Hearings Board regulations (Chapter 371-08 WAC). You may find these in some public libraries or county municipal law libraries at [www.spl.org](http://www.spl.org) or [www.kcill.org](http://www.kcill.org).

**Penalties are based** on the information in our files, the corrective actions you take, your written response to the NOV, and the information you provide at the NOV conference. Receiving a NOV does not necessarily mean you will receive a civil penalty, nor does correcting the violation assure that you will not. Details about penalty exclusions for unavoidable excess emissions are provided in WAC 173-400-107. A copy of the Agency's penalty policy is available upon request.

\*This page is a summary of the requirements related to a NOV. Consult applicable statutes and regulations for all requirements.

# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

December 3, 2001

Ms. Elizabeth Gilpin  
Puget Sound Clean Air Agency  
110 Union Street, Suite 500  
Seattle, WA 98101-2038

**Re: Asbestos Notice of Violation No. 4-040305**

Dear Ms. Gilpin:

This letter responds to Asbestos Notice of Violation No. 4-040305 that Ash Grove received on November 2, 2001. The notice states that Ash Grove violated various sections of Regulation III Article IV regarding renovation and removal of asbestos-containing material. The NOV appears to assume that a stack of transite siding stored under a plastic cover near the clinker storage shed is waste siding removed from the shed. In fact, the transite panels you noticed are virgin material being held for future use. Two of the panels at the base of the stack have fractured from the weight of the material lying on them, but this damage did not result from any operation regulated by Article IV. For this reason Ash Grove denies all of the violations in the NOV. Nonetheless, Ash Grove requests a meeting with you and with the Agency's asbestos management experts to help us ensure that anticipated future repairs to the clinker storage shed comply with all PSCAA requirements. Please call me with a couple of dates when PSCAA is able to meet.

Very truly yours,

Gerald J. Brown  
Manager Safety and Environmental

Copy HV

**AGCS2M000943**

# ASH GROVE CEMENT COMPANY



"WESTERN REGION"

March 11, 2002

Ms. Elizabeth Gilpin  
Puget Sound Clean Air Agency  
110 Union Street, Suite 500  
Seattle, WA 98101-2038

**Re: Asbestos Notice of Violation No. 4-040305**

Dear Ms. Gilpin:

Since our 1/9/02 meeting, the following actions have been taken pertaining to Asbestos Notice of Violation No. 4-040305.

1. Excel Environmental under Agency permit #200103625 removed from the plant site the Transite siding in question on January 30, 2002.
2. Mr. Neil Callahan with Argus Pacific was interviewed on 01/25 to provide an estimate for developing an ACM management plan and services. Mr. John Carlson, Argus Pacific visited the plant 1/30 to provide an estimate to conduct an AHERA plant survey suggested by PSCAA.

It is anticipated that within two weeks, Argus Pacific should begin the plant survey and ACM management plan development.

Very truly yours,

Gerald J. Brown  
Manager Safety and Environmental

Copy HV

**AGCS2M000944**



Working Together For Clean Air

[www.pscleanair.org](http://www.pscleanair.org)

Ph 206.343.8800

1.800.552.3565

Fax 206.343.7522

110 Union Street

Suite 500

Seattle, WA 98101-2038

September 12, 2002

Ash Grove Cement Company  
c/o Gerald Brown, Environmental Health & Safety Manager  
3801 E Marginal Way S  
Seattle WA 98134

Re: Ash Grove Cement Company (R11339 & Case No. 200100084)  
Disposition of Notice of Violation No. 4-040305

**EXECUTIVE DIRECTOR**

Dennis J. McLerran

Dear Mr. Brown:

**BOARD OF DIRECTORS**

**CHAIR**

Bill Evans

Tacoma City Councilman

**KING COUNTY**

Ron Sims, Executive

**SEATTLE**

Gregory J. Nickels, Mayor

**KITSAP COUNTY**

Jan Angel, Commissioner

**BREMERTON**

Cary Bozeman, Mayor

**PIERCE COUNTY**

John Ladenburg, Executive

**TACOMA**

Bill Baarsma, Mayor

**SNOHOMISH COUNTY**

Jeff Sax, Councilman

**EVERETT**

Edward D. Hansen, Mayor

**MEMBER AT LARGE**

Janet Chalupnik

Based on the information provided in your Corrective Action letter dated March 11, 2002, this Agency considers the above-referenced matter closed as of this date and will take no further enforcement action in this case.

Thank you for your action to ensure compliance with Agency regulations and for joining with this Agency in efforts to achieve cleaner air.

Sincerely,

Elizabeth Gilpin  
Inspector

EMG/ml

cc: Mario Miller, Supervising Inspector  
Rosemary Busterna, Compliance System Planner